

Message Text

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ACTION ACDA-12

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INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 00712

CW MESSAGE NO. 8

E.O. 11652: GDS
TAGS: PARM US UR
SUBJECT: US-USSR NEGOTIATIONS ON CHEMICAL WEAPONS, ROUND
SEVEN: FIRST DRAFTING GROUP MEETING, JANUARY 13, 1978

REF.: A. GENEVA 394

1. SUMMARY: DRAFTING GROUP MET AFTERNOON JANUARY 13
TO DISCUSS THE SCOPE OF THE PROHIBITION, PARTICULARLY
THE QUESTION OF IRRITANTS. USDEL MADE BRIEF PRESEN-
TATION ON IRRITANTS AND RESPONDED TO SOVIET QUESTIONS
ON THIS ISSUE. USDEL ALSO REQUESTED CLARIFICATION ON
SOME POINTS IN THE REVISED SOVIET DRAFT ARTICLES ON
SCOPE PRESENTED DURING THE JANUARY 10 PLENARY; SOVIET
DEL RESPONDED TO US QUESTIONS. END SUMMARY.

2. THE FIRST MEETING OF THE DRAFTING GROUP ON CHEMICAL
WEAPONS (CW) WAS HELD FRIDAY AFTERNOON, JANUARY 13, AT
THE SOVIET MISSION. DELEGATIONS WERE HEADED BY ALTER-
NATE REPRESENTATIVES. IT WAS AGREED THAT PROCEDURES
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ESTABLISHED IN ROUND SIX FOR CONDUCT OF DRAFTING GROUP
WOULD ONCE AGAIN APPLY.

3. LTC LEONARD (US EXPERT) MADE BRIEF PRESENTATION OF
US POSITION ON IRRITANTS. HE STATED THAT IRRITANTS
DIVIDE NATURALLY INTO TWO CATEGORIES: (A) IRRITANTS
WHICH HAVE HIGH LETHAL TOXICITY OR ARE USEFUL PRIMARILY

FOR CW PURPOSES (WHICH US BELIEVES COULD BE LIMITED WITHIN THE CONVENTION), AND (B) CHEMICALS USED WIDELY FOR RIOT CONTROL OR LAW ENFORCEMENT PURPOSES (WHICH US BELIEVES SHOULD BE TOTALLY OUTSIDE THE COVERAGE OF A CW CONVENTION). LEONARD THEN LISTED THE FOLLOWING FOUR CRITERIA WHICH A CHEMICAL SHOULD MEET IN ORDER TO BE CLASSIFIED AS A RIOT CONTROL CHEMICAL:

A. THE MEDIAN LETHAL DOSE IS OUTSIDE THE TOXICITY RANGE OF POTENTIAL LETHAL AGENTS (I.E., LCT50 GREATER THAN 20,000 MG-MIN/M3, LD50 (SC) GREATER THAN 10 MG/KG);

B. THE PRINCIPAL EFFECT IS LOCALIZED IRRITATION AND SYSTEMIC EFFECTS ARE MINIMAL;

C. RECOVERY OF NORMAL FUNCTIONING USUALLY OCCURS WITHIN 15 MINUTES AFTER EXPOSURE TO THE CHEMICAL CEASES; AND

D. THE CHEMICAL HAS, OR IS INTENDED TO HAVE, APPLICATION DOMESTICALLY FOR RIOT CONTROL OR LAW ENFORCEMENT PURPOSES.

HE ADDED, HOWEVER, THAT AS US REVIEW OF THIS QUESTION CONTINUES IT MIGHT BECOME NECESSARY TO SUPPLEMENT OR REVISE THE ABOVE CRITERIA TO ENSURE THAT ALL IMPORTANT CONFIDENTIAL

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RIOT CONTROL CHEMICALS WERE CLEARLY DISTINGUISHED FROM DANGEROUS IRRITANTS.

4. SOVIET DEL POSED SEVERAL QUESTIONS RELATING TO US PRESENTATION ON IRRITANTS. SOVIET QUESTIONS AND US RESPONSES FOLLOW BELOW.

A. QUESTION: DOES THE US PROPOSE, BY EXCLUDING CURRENTLY USED RIOT CONTROL CHEMICALS FROM THE BAN, THAT THESE IRRITANTS ARE TO BE SINGLED OUT INTO A SEPARATE CATEGORY WHICH IS NOT TO BE PROHIBITED AND TO WHICH THE GENERAL PURPOSE CRITERION AND OTHER PROPOSED CRITERIA WOULD NOT APPLY?

RESPONSE: RIOT CONTROL CHEMICALS WOULD NOT BE COVERED BY THE CONVENTION IF THEY MET THE ABOVE LISTED CRITERIA (PARA 3 ABOVE). AND, THEREFORE, THEY WOULD NOT BE SUBJECT TO THE GENERAL PURPOSE CRITERION.

(US SIDE POINTED OUT THAT THERE ARE ONLY A SMALL NUMBER OF CHEMICALS WHICH ARE CURRENTLY USED OR COULD BE USED IN THE FUTURE FOR RIOT CONTROL OR LAW ENFORCEMENT

PURPOSES AND THAT THE CRITERIA WERE DESIGNED SO AS NOT TO PROHIBIT THE DEVELOPMENT OF "PERHAPS BETTER, SAFER" RIOT CONTROL CHEMICALS.)

B. QUESTION: IF RIOT CONTROL CHEMICALS ARE REALLY TO BECOME A SEPARATE GROUP OF IRRITANTS NOT COVERED BY THE PROHIBITION, HOW WOULD THE US VIEW DECLARATION OF THESE IRRITANTS (RIOT CONTROL)?

RESPONSE: RIOT CONTROL CHEMICALS CURRENTLY IN USE WOULD BE DECLARED. THIS WOULD HELP PREVENT SUSPICION AND COULD SERVE AS A CONFIDENCE BUILDING MEASURE.

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C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 00712

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C. QUESTION: CAN THE US SIDE ILLUSTRATE, USING SPECIFIC EXAMPLES, APPLICATION OF THE CRITERIA (PARA 3) FOR DEALING WITH RIOT CONTROL CHEMICALS?

RESPONSE: THE US SIDE WILL DISCUSS AND PRESENT EXAMPLES AT A LATER DATE.

D. QUESTION: WOULD THE IRRITANTS WHICH MEET THE US PROPOSED CRITERIA (PARA 3) BE DESIGNED EXCLUSIVELY FOR RIOT CONTROL PURPOSES OR COULD THEY HAVE DUAL PURPOSES.

RESPONSE: THEY COULD HAVE DUAL PURPOSES. THEY WOULD BE "DESIGNED" FOR RIOT CONTROL OR LAW ENFORCEMENT PURPOSES, AND WOULD BE SPECIFICALLY APPROVED FOR SUCH

USE. OTHER USES OF RIOT CONTROL CHEMICALS WOULD NOT BE PRECLUDED, FOR EXAMPLE, PROTECTIVE TRAINING OF MILITARY FORCES.

E. QUESTION: IF WE AGREE TO A TOXICITY THRESHOLD FOR LETHAL AGENTS OF LCT50 20,000 MG.MIN/M3 (INHALATION) CONFIDENTIAL

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AND/OR LD50 10 MG/KG. (SUBCUTANEOUS INJECTION), THEN WHY MUST WE REPEAT THE SAME THRESHOLD FOR IRRITANTS WHICH WOULD NOT ALWAYS HAVE LETHAL EFFECTS?

RESPONSE: LETHALITY IS A QUESTION OF DEGREE. MANY IRRITANTS MIGHT BE VERY EFFECTIVE RIOT CONTROL CHEMICALS, BUT COULD PROVE TOO DANGEROUS TO USE. THAT IS WHY THIS THRESHOLD HAS BEEN REPEATED IN OUR CRITERIA FOR RIOT CONTROL CHEMICALS.

5. US EXPERTS (MIKULAK AND BAY) ASKED SOVIET DEL FOR CLARIFICATION OF A NUMBER OF POINTS IN THE REVISED SOVIET DRAFT ARTICLES ON SCOPE (REF A). US QUESTIONS AND SOVIET RESPONSES FOLLOW BELOW.

A. QUESTION: WHAT IS MEANT BY THE TERM "OTHER CHEMICAL AGENTS"? (ARTICLE I)

RESPONSE: ALL OTHER SUBSTANCES WHICH ARE SUBJECT TO THE GENERAL PURPOSE CRITERION AND NOT COVERED BY THE TERMS "LETHAL CHEMICAL AGENT" AND "HARMFUL CHEMICAL AGENT" AND WHICH ARE DIFFICULT TO FORESEE NOW.

B. QUESTION: WHAT IS MEANT BY THE TERM "SUBSTANCES"? (ARTICLE I) DOES THIS INCLUDE PRECURSORS?

RESPONSE: THERE IS NO WORD IN RUSSIAN FOR THE TERM "PRECURSOR" SO IT WAS NECESSARY TO USE ANOTHER "EQUIVALENT" TERM WHICH HAS THE SAME MEANING. THUS, WE USE THE WORDS "AGENT" (IMPLIES DIRECT LINK TO CHEMICAL WARFARE) AND "SUBSTANCE" (CONNOTES INDIRECT LINK WITH CHEMICAL WEAPONS). SUBSTANCE MEANS "INITIAL SUBSTANCE," "PREDECESSOR" OR THE SUBSTANCE FROM WHICH ONE DERIVES AGENTS. THE WORDS "PRECURSOR" AND "SUBSTANCE," THERE-
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FORE, ARE IDENTICAL.

C. QUESTION: WHAT IS MEANT BY "TECHNOLOGICAL" PUR-

POSES? (ARTICLE I)

RESPONSE: THE SOVIET SIDE USES "TECHNOLOGICAL" TO MEAN THE SAME AS THE WORD "INDUSTRIAL," USED BY THE US SIDE IN ITS OPENING STATEMENT.

D. QUESTION: WHAT IS MEANT BY THE WORD "SYSTEMS"?

RESPONSE: THE SOVIET SIDE IS TRYING TO COVER ALL POSSIBLE MEANS FOR USE OF CHEMICAL WEAPONS. WE DECIDED TO ADOPT THE TERM "SYSTEMS" AFTER REVIEWING THE DRAFT CW CONVENTIONS ALREADY PRESENTED AT THE CCD. (FYI: THE TERM "SYSTEMS" SEEMS TO HAVE BEEN TAKEN FROM ARTICLE I OF THE UK DRAFT CONVENTION. END FYI.)

E. QUESTION: WHAT IS THE DIFFERENCE BETWEEN "PRO-PHYLACTIC" AND "PROTECTIVE"?

RESPONSE: "PROPHYLACTIC" MEANS PREVENTIVE, ACTION BEFORE THE FACT, WHILE "PROTECTIVE" IS USED TO MEAN AFTER THE FACT.

F. QUESTION: IN ARTICLE I, WHY IS THERE NO LONGER ANY DIRECT REFERENCE TO PRECURSORS? TO THE SECOND TOXICITY THRESHOLD?

RESPONSE: SEE PARA 5B FOR ANSWER ON PRECURSORS. IN REGARDS TO DELETING REFERENCE TO THE SECOND TOXICITY THRESHOLD, THE USSR DELEGATION DEEMED IT POSSIBLE TO INCLUDE THIS WITHIN THE FRAMEWORK OF SCOPE OF PROHIBITION WHEN THE SCOPE WAS EXPANDED TO COVER ALL LETHAL SUBSTANCES.

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INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 00712

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G. QUESTION: ARTICLE I WOULD APPEAR TO PERMIT DEVELOPMENT, PRODUCTION, AND STOCKPILING OF LETHAL CHEMICAL AGENTS WITH A MEDIAN LETHAL DOSE GREATER THAN LCT50 20,000. IS THIS INTERPRETATION CORRECT?

RESPDNSE: IN FORMAL TERMS, NO. IF ONE ADMITS THIS POSSIBILITY IT IS NOT POSSIBLE TO SET A THRESHOLD.

H. QUESTION: THE PREVIOUS SOVIET DRAFT OF ARTICLE I REFERS TO CHEMICAL MUNITIONS, ETC. "SPECIALLY DESIGNED" FOR HOSTILE PURPOSES OR IN ARMED CONFLICT. THE REVISED DRAFT REFERS TO CHEMICAL MUNITIDNS, ETC. "DESIGNED EXCLUSIVELY." WE DO NOT UNDERSTAND THE RATIONALE FOR WHAT APPEARS TO BE AN IMPORTANT CHANGE AND WOULD APPRECIATE CLARIFICATION.

RESPONSE: THE USE OF THE TERM "DESIGNED EXCLUSIVELY" HAS BEEN SUBSTITUTED FOR "SPECIALLY DESIGNED" BECAUSE WE BELIEVE THE FORMER TERM IMPLIES USE ONLY FOR CW PURPOSES.

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I. QUESTION: ARTICLE III DEALS WITH A SUBJECT ON WHICH AD REFERENDUM AGREEMENT WAS REACHED IN ROUND SIX. WE WOULD APPRECIATE AN EXPLANATION OF THE RATIONALE FOR THE CHANGES WHICH HAVE BEEN MADE.

RESPONSE: THERE IS NO REAL DIFFERENCE IN PRINCIPLE HERE, BUT OUT LAWYERS BELIEVE THE NEW VERSION HAS MORE PRECEDENTS. BOTH ARTICLES (I.E., ORIGINAL AND REVISED) LIST THE ACTIVITIES TO BE PROHIBITED WITH REGARD TO ANY STATE, GROUP OF STATES OR INTERNATIONAL ORGANIZATION. THIS INCLUDES A STATE PARTY ENCOURAGING PROHIBITED ACTIVITIES OF NON-STATE PARTIES (E.G., TERRORISTS).

6. IT WAS AGREED THAT FURTHER MEETINGS OF THE DRAFTING GROUP WOULD BE CONSIDERED IN PLENARY. SORENSON

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